

**AGREEMENT**  
**BETWEEN**  
**THE KINGDOM OF BELGIUM**  
**AND**  
**THE REPUBLIC OF SOUTH AFRICA**  
**ON**  
**THE GAINFUL OCCUPATION**  
**OF SPOUSES OF DIPLOMATIC AND CONSULAR STAFF**

**AGREEMENT  
BETWEEN  
THE KINGDOM OF BELGIUM  
AND  
THE REPUBLIC OF SOUTH AFRICA  
ON  
THE GAINFUL OCCUPATION  
OF SPOUSES OF DIPLOMATIC AND CONSULAR STAFF**

**THE KINGDOM OF BELGIUM,**  
represented by

**The Federal Government  
The Flemish Government  
The Government of the Walloon Region  
The Government of the Brussels-Capital Region**

**AND**

**THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA**

**DESIRING** to conclude an agreement which aims to facilitate the gainful occupation of certain family members of personnel of diplomatic missions from the sending State or of consular posts of the latter on the territory of the receiving State;

**AGREE** on the following:

**ARTICLE 1**  
**Conditions**

- 1.1 On a reciprocal basis, the spouse of an employee of the sending State is authorized to engage in gainful occupation in the receiving State on the following conditions.
- 1.2 For the purpose of the present Agreement:
- (a) "an employee of the sending State" means a diplomatic agent, a member of the administrative and technical staff and of the service staff of the diplomatic mission assigned to the receiving State or to international organizations with a seat in the receiving State and a consular officer, a consular employee and a member of the service staff of the consular post, who is not a national or a permanent resident of the receiving State;
  - (b) "a spouse" means a person who the receiving State has recognized as such, accompanying an employee of the Sending State and who is not a national or a permanent resident of the receiving State, and includes a legal partner;
  - (c) "Diplomatic Convention" means the Vienna Convention on Diplomatic Relations of 1961;
  - (d) "Consular Convention" means the Vienna Convention on Consular Relations of 1963.
- 1.3 Upon application, a spouse shall be authorised to engage in gainful occupation from the time of assignment of the employee of the sending State, until the time of conclusion of the term of the assignment.
- 1.4 Authorisation for a spouse to engage in gainful occupation shall lapse on the date:
- (a) that the employee of the sending State's assignment terminates; or
  - (b) the spouse ceases to have the status of a member of the family.
- 1.5 Authorisation for a spouse to engage in gainful occupation is given in accordance with the laws and regulations in force in the receiving State and shall not imply exemption from any legal or other requirements which apply to any gainful occupation, whether relating to personal characteristics, professional or trade qualifications or otherwise which the individual concerned must possess to engage in such occupation.

**ARTICLE 2**  
**Immunity from Civil and Administrative Jurisdiction**

- 2.1 In the case of a spouse enjoying immunity from the civil and administrative jurisdiction of the receiving State in accordance with the Diplomatic Convention, the Consular Convention or any other applicable international instrument, this immunity shall not apply in respect of any act carried out in the course of the gainful occupation and falling within the civil and administrative law of the receiving State.

- 2.2 In such a case, the sending State shall also waive the immunity from execution of any sentence against such a spouse.

### **ARTICLE 3**

#### **Immunity from Criminal Jurisdiction**

In the case of a spouse enjoying immunity from the criminal jurisdiction of the receiving State in accordance with the Diplomatic Convention, the Consular Convention or any other applicable international instrument:

- (a) the sending State shall waive the immunity from the criminal jurisdiction enjoyed by the spouse with regard to the receiving State in respect of any act or omission arising from the gainful occupation, except in special instances where the sending State considers that such a waiver could be contrary to its own interests; and
- (b) such a waiver of immunity from criminal jurisdiction shall not be construed as extending to immunity from execution of the sentence, for which a separate waiver shall be required. In the case of such a request, the sending State shall give serious consideration to the request of the receiving State.

### **ARTICLE 4**

#### **Taxation and Social Security Regimes**

In accordance with the provisions of the Diplomatic Convention, the Consular Convention or of any other applicable international instrument, a spouse shall be subject to the taxation and social security regimes applicable in the receiving State for all matters connected to their gainful occupation in that State.

### **ARTICLE 5**

#### **Procedures**

- 5.1 All requests for authorisation to engage in gainful occupation shall be sent, on behalf of the spouse, by the Embassy of the sending State to the State Protocol at the Department of International Relations and Cooperation of the Republic of South Africa or to the Protocol Division of the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium as applicable.

- 5.2 Upon verification that the individual is a spouse within the scope of this Agreement and processing of the official request, the Embassy of the sending State shall be informed by the government of the receiving State that the spouse is eligible for gainful occupation.
- 5.3 The procedures followed shall be applied in a way that enables the spouse to engage in gainful occupation as soon as possible. In this regard the formalities for authorisation to take up gainful occupation shall be issued expeditiously.

#### **ARTICLE 6**

##### **Duration and Termination**

This Agreement shall remain in force for an indefinite period, with either Party being able to terminate it at any time by giving six (6) months' notice in writing to the other Party.

#### **ARTICLE 7**

##### **Repatriation of Funds**

Persons authorized to enter into gainful occupation within the framework of this Agreement shall be allowed to repatriate their remuneration for such occupation from the territory of the state of the Party where the occupation is engaged in, in accordance with the conditions laid down for foreign workers in the domestic law of such state.

#### **ARTICLE 8**

##### **Entry into Force**

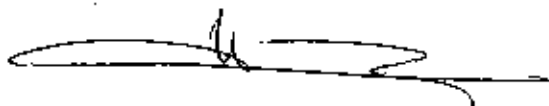
This Agreement shall enter into force on the first day of the second month following the date of exchange of the last notification of the completion of the necessary constitutional and legal procedures.

**IN WITNESS WHEREOF** the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

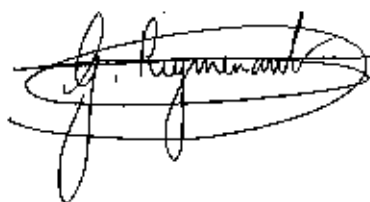
DONE at Pretoria this *14<sup>th</sup>* day of *January*..... 2016, in two original copies, each in the French, Dutch and English languages, each text being equally authentic.

FOR THE KINGDOM OF BELGIUM:

*represented by:*  
The Federal Government:



The Flemish Government:

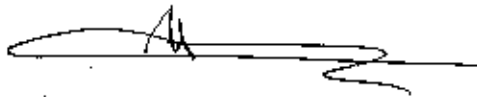


  
FOR THE REPUBLIC  
OF SOUTH AFRICA:

**The Government of the Walloon Region:**

A handwritten signature in black ink, consisting of a large, sweeping horizontal stroke with a smaller, more intricate mark above it.

**The Government  
of the Brussels-Capital Region:**

A handwritten signature in black ink, consisting of a large, sweeping horizontal stroke with a smaller, more intricate mark above it.